

## **Chapter 2**

### **Animals**

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**Part 1****Animal Defecation****§2-101. Animal Defecation on Public and Private Property Restricted.**

No person, having possession, custody or control of any animal, shall knowingly or negligently permit any dog or other animal to commit any nuisance, i.e., defecation or urination, upon any gutter, street, driveway, alley, curb or sidewalk in the Township of Lower Southampton, or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants, or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park, or upon the grounds of any public park or public area, or upon any private property other than the property of the owner of such animal.

(*Ord. 356, 12/17/1986*)

**§2-102. Disposal of Animal Feces.**

Any person having possession, custody or control of any dog or other animal which commits a nuisance, i.e., defecation or urination, in any area other than the private property of the owner of such dog or other animal, as prohibited in §2-101 shall be required to immediately remove any feces from such surface and either:

A. Carry same away for disposal in a toilet.

B. Place same in a nonleaking container for deposit in a trash or litter receptacle.

(*Ord. 356, 12/17/1986*)

**§2-103. Dogs Accompanying Blind or Handicapped Persons Exempted.**

The provisions of §§2-101 and 2-102 hereof shall not apply to a guide dog accompanying any blind persons, or to a dog used to assist any other physically handicapped person.

(*Ord. 356, 12/17/1986*)

**§2-104. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 356, 12/17/1986; as amended by Ord. 532, 9/10/2008*)



**Part 2****Noise Nuisances**

[See also, Chapter 10, "Health and Safety"]

**§2-201. Intent and Purpose.**

The Board of Supervisors of the Township of Lower Southampton, finding that excessive levels of sound are detrimental to the physical, mental and social well-being of the people as well as to their comfort, living conditions, general welfare and safety and being therefor a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound and the sources of excessive sound within the Township.

(*Ord. 356, 12/17/1986*)

**§2-202. Noise Disturbance.**

It shall be unlawful for any owner, custodian or keeper of any dog, cat, bird or other animal to permit the same to make excessive noise to the disturbance, annoyance, or fright of persons in the vicinity. It shall also be unlawful for the owner, custodian or keeper of any dog, cat, bird or other animal to keep the same when the animal exhibits a habit or pattern of making excessive noise to the disturbance, annoyance or fright of persons in the vicinity.

(*Ord. 356, 12/17/1986; as amended by Ord. 531, 11/28/2007, §1*)

**§2-203. Exceptions.**

This Part shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from the nuisance suits by Act No. 1982-133, 3 P.S. §951 *et seq.*

(*Ord. 356, 12/17/1986*)

**§2-204. Penalties.**

1. Any person, firm or corporation who shall violate any provision of this Part, may, upon conviction thereof before a magisterial district judge, be sentenced to pay a fine of not less than \$300 and not more than \$1,000, and/or to undergo prison for a term not to exceed 90 days.

2. Each day that a violation shall continue, upon notice by the Code Enforcement Officer, shall constitute a separate offense, punishable as provided under subsection .1. In order to invoke the per diem penalties provided hereunder, the Code Enforcement Officer must provide written notice to the owner, custodian or keeper of any animal as provided under §2-202, providing notice of the existence of a violation, and a reasonable opportunity to correct said violation, said remediation period not to exceed 5 days.

3. Notwithstanding the foregoing, the Code Enforcement Officers are hereby authorized to pursue criminal proceedings as provided under subsection .1 without advance notice to the custodian, owner or keeper of any offending animal, for each and every violation of §2-202 as may be found by the Code Enforcement Officer.

(*Ord. 356*, 12/17/1986; as amended by *Ord. 531*, 11/28/2007, §2)

**Part 3****Animal Maintenance Standards****§2-301. Definitions.**

As used in this Part, the following terms, shall have the meanings indicated, unless a different meaning clearly appears from the context:

*Animal* - any domestic animal or fowl, any wild animal or any household pet.

*Domestic animal* - any animal normally or ordinarily domesticated or raised in this area and climate as livestock or for work or breeding purposes, or normally or ordinarily kept as a household pet.

*Household pet* - any dog, cat, or other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner.

*Large animal* - any wild or domestic animal of the bovine, equine or sheep family.

*Person* - any person, firm, partnership, association, or corporation.

*Small animal* - any wild or domestic animal such as a rabbit, hare, guinea pig, rat, mouse, or chinchilla; and any wild or domestic fowl such as a chicken, turkey, goose, duck, or pigeon (excepting homing pigeons).

*Wild animal* - any animal, including bird, fowl, or reptile not normally or ordinarily domesticated; not normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes; or not capable of being kept as a household pet.

In this Part, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

(Ord. 356, 12/17/1986)

**§2-302. Certain Animals Prohibited.**

It shall be unlawful for any person to keep any pig, hog, swine or porcine animal at any place within the Township.

(Ord. 356, 12/17/1986; as amended by Ord. 532, 9/10/2008)

**§2-303. Keeping of Animals Regulated.**

It shall be unlawful for any person to keep any domestic animal, except household pets, except as provided in this Section:

A. Large animals shall be confined in quarters no part of which shall be closer than 100 feet from the exterior limits of any dwelling or of any property line.

B. Small animals shall be kept confined in quarters no part of which shall be closer than 25 feet from the exterior limits of any dwelling or of any property line.

C. The keeper of every such animal shall confine the same in an enclosure sufficient to prevent such animal from running at large, and such enclosure shall be of a size and construction conducive to the animal's health, and adequate

sanitary drainage facilities shall be provided.

D. Every keeper of any animal shall cause the litter and droppings therefrom to be collected daily in a container or receptacle that when closed shall be rat-proof and fly-tight, and after every such collection shall cause such container or receptacle to be kept closed. At least twice a week, every such keeper shall cause all litter and droppings so collected to be disposed of in such manner as not to permit the presence of fly larvae.

E. Every keeper of any animal shall cause all feed provided therefor to be stored and kept in a rat-proof and fly-tight building, box, container, or receptacle.

(*Ord. 356, 12/17/1986*)

#### **§2-304. Household Pets.**

It shall be unlawful for any person to keep any household pet, except as provided in this Section:

A. If any such pet shall be kept in a dwelling owned or occupied by its owner, such owner shall be required to follow such procedures and practices, as to the number of such pets to be kept there, and as to sanitation, to insure that no public nuisance shall be created or maintained and no threat to the health of persons living elsewhere than in such dwelling shall be created.

B. If any such pet shall be kept in an enclosure outside such dwelling, the provisions of §2-303 of this Part, insofar as the same applies to small animals, shall be applicable to the keeping of such household pet.

(*Ord. 356, 12/17/1986*)

#### **§2-305. Violation of State Law.**

Any violation of this Part that would also violate any State law shall be prosecuted under that State law and not under this Part.

(*Ord. 356, 12/17/1986*)

#### **§2-306. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 356, 12/17/1986; as amended by Ord. 532, 9/10/2008*)

**Part 4****Carrier and Racing Pigeons****§2-401. Definitions.**

As used in this Part, the following terms, shall have the meanings indicated, unless a different meaning clearly appears from the context:

*Carrier pigeon* - homing and racing pigeons which have the name of the owner stamped upon the wing or tail, or are banded upon the leg with the name or initials of the owner or with an identification or registration number stamped on the band.

*Loft* - any structure in which carrier pigeons are housed.

*Racing pigeon* - any pigeon registered with any national pigeon racing organization.

(*Ord. 356, 12/17/1986*)

**§2-402. Permit Requirements.**

1. The animal control officer shall issue a carrier pigeon permit to the owner of any carrier pigeons if:

A. Identification marks stamped on each carrier pigeon or band are recorded with the Township of Lower Southampton.

B. The loft is found on inspection to be in compliance with regulations prescribed by the Township and is maintained in a clean, orderly condition and kept in good repair.

C. The construction of a loft complies with the Uniform Construction Code [Chapter 5, Part 1]. [*Ord. 532*]

2. The requirements of the Township's Zoning Ordinance [Chapter 27] relating to restrictions on the location of stables and poultry enclosures shall not apply to a loft for which a permit has been issued.

3. The owner of any carrier pigeon shall pay an annual fee for a carrier pigeon permit as determined by the Board of Supervisors pursuant to resolution and no permit as required by this Part shall be issued until the prescribed fee shall have been paid. The Township shall keep a record of all permits issued under this Part.

(*Ord. 356, 12/17/1986; as amended by Ord. 532, 9/10/2008*)

**§2-403. Issuance of Permit Authorizes Loft Construction.**

Any person to whom the animal control officer has issued a carrier pigeon permit may erect and maintain a loft of carrier or racing pigeons in the Township.

(*Ord. 356, 12/17/1986*)

**§2-404. Exercise and Training.**

Any owner of carrier pigeons, to whom the animal control officer has issued a carrier pigeon permit, or person acting for him, having in his charge or possession and under restraint and control carrier pigeons, shall be allowed to fly the pigeons for

necessary exercise and training, but not more at any one time than 25 pairs.

*(Ord. 356, 12/17/1986)*

**§2-405. Inspection of Pigeons and Lofts.**

Any owner of carrier pigeons to whom the Board has issued a carrier pigeon permit shall permit employees or officials of the Township and the Board to enter upon their property for the purpose of making an inspection of pigeons and lofts at reasonable times.

*(Ord. 356, 12/17/1986)*

**§2-406. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

*(Ord. 356, 12/17/1986; as amended by Ord. 532, 9/10/2008)*